

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN HARPER,
Petitioner,
v.
MAGGIE MILLER-STOUT,
Respondent.

Case No. C05-5423FDB
ORDER ON PENDING MOTIONS

This 28 U.S.C. § 2254 petition for habeas corpus relief has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Before the court are two motions filed by petitioner. In the first petitioner asks to change the case caption to reflect the proper respondent, Maggie Miller-Stout superintendent of the Airway Heights Corrections Center. (Dkt. # 11). That motion is **GRANTED**. The clerk is directed to change the case caption to reflect Ms. Miller-Stout is the respondent.

The second motion asks for an evidentiary hearing. This petition has not been served and the motion is premature. Accordingly the motion is **DENIED**.

The clerk is directed to send a copy of this Order to petitioner.

DATED this 30th day of August, 2005.

/S/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate Judge

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